

LAW OFFICES OF MARC J. WODIN

Marc J. Wodin, Esq. - SBN 79573
Elana Bitton, Esq. - SBN. 130835
23901 Calabasas Road, Suite 1076
Calabasas, California 91302
Telephone (818) 595-3490
Fax (818) 225-7497
e-mail marc_wodin@wodinlaw.com

Attorneys for Defendant CONSECO SENIOR HEALTH INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

PAMELA THOMPSON, Individually)	CASE NO.: C 07-05437 PJH
and as Personal)	
Representative of CHARLES)	[Sonoma County Superior Court
THOMPSON, Deceased,)	Case No. 241544]
Plaintiff,)	
vs.)	[PROPOSED] ORDER RE
CONSECO SENIOR HEALTH)	DEFENDANT'S MOTION FOR AN
INSURANCE COMPANY, a)	ORDER COMPELLING MEET AND
Pennsylvania corporation,)	CONFER AND/OR ENFORCING
DOES 1 through XX)	SETTLEMENT ETC.
Defendant(s).)	DATE: October 29, 2008
	TIME: 9:00 a.m.
	CTRM: 3
	Assigned to the Honorable
	Phyllis J. Hamilton

The motion of Defendant CONSECO SENIOR HEALTH INSURANCE COMPANY for an order:

1. compelling plaintiff's attorney to meet and confer with defendant's attorney, to resolve differences which have arisen with respect to the language of the Release and Settlement Agreement, which was provided to plaintiff's attorney, by defendant's attorney, pursuant to the memorandum of settlement

1 prepared at the time of the mediation of this matter on May 29,
2 2008 and/or;

3 2. enforcing the settlement entered into by the parties in
4 this action, including but not limited to, ordering plaintiff and
5 her attorney to execute the Release and Settlement Agreement
6 provided to plaintiff's attorney, by defendant's attorney,
7 pursuant to the memorandum of settlement prepared at the time of
8 the mediation of this matter on May 29, 2008, with such
9 modifications, if any, as the court deems appropriate, and/or;

10 3. enforcing the settlement entered into by the parties in
11 this action, including but not limited to, entering judgment on
12 the terms of the Release and Settlement Agreement provided to
13 plaintiff's attorney by defendant's attorney, pursuant to the
14 memorandum of settlement prepared at the time of the mediation of
15 this matter on May 29, 2008, with such modifications, if any, as
16 the court deems appropriate, and/or;

17 4. that plaintiff and/or her attorney pay sanctions of
18 \$4,800, or such amount as the court deems appropriate, pursuant
19 to 28 U.S.C. §1927 and/or the authority of the court to award
20 sanctions on a motion to enforce a settlement.

21 came on for hearing before the Court, on October 29, 2008,
22 at 9:00 a.m. in Courtroom 3, 17th Floor, of the above entitled
23 court, the Honorable Phyllis J. Hamilton, District Judge
24 Presiding. The Law Offices of Marc J. Wodin appeared as
25 attorneys for moving parties, and The Law Offices of John E. Hill
26 appeared as attorneys for plaintiff.

27 After considering the moving, opposition, and reply papers,
28

1 arguments of counsel and all matters presented to the Court,

2 IT IS HEREBY ORDERED THAT THE MOTION IS GRANTED.

3 1. Plaintiff's attorney is hereby ordered to meet and confer
4 with defendant's attorney, to resolve differences which have
5 arisen with respect to the language of the Release and Settlement
6 Agreement, which was provided to plaintiff's attorney, by
7 defendant's attorney, pursuant to the memorandum of settlement
8 prepared at the time of the mediation of this matter on May 29,
9 2008.

10
11 [Alternate Order]

12 2. The Court hereby orders that plaintiff and her attorney
13 forthwith execute the Release and Settlement Agreement provided
14 to plaintiff's attorney, by defendant's attorney, pursuant to the
15 memorandum of settlement prepared at the time of the mediation of
16 this matter on May 29, 2008, with the following modifications:

17
18
19
20
21
22
23 [Alternate Order]

24 3. The Court hereby orders that judgment be entered on the
25 terms of the Release and Settlement Agreement provided to
26 plaintiff's attorney by defendant's attorney, pursuant to the
27 memorandum of settlement prepared at the time of the mediation of

1 this matter on May 29, 2008, with the following modifications:
2
3
4
5
6

7 Plaintiff and/or her attorney are hereby ordered to pay
8 sanctions of \$4,800 pursuant to 28 U.S.C. §1927 and/or the
9 authority of the court to award sanctions on a motion to enforce
10 a settlement.
11

12 DATED:

13
14

THE HONORABLE PHYLLIS J. HAMILTON
JUDGE OF THE UNITED STATES
DISTRICT COURT
15
16
17
18
19
20
21
22
23
24
25
26
27
28